

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America)

v.)

MARSHALL CHARLES RICHMOND)

Case No: Cr 03-370-KI

USM No: _____

Date of Previous Judgment: 05/12/2005)

Ernest Warren, Jr.

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of May 12, 2005 months is **reduced to** 168 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 32Amended Offense Level: 30Criminal History Category: VICriminal History Category: VIPrevious Guideline Range: 210 to 262 monthsAmended Guideline Range: 168 to 210 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain):

The reduced sentence is within the amended guideline range. I decline to reduce the sentence further because most of the original reduction was because of the crack/powder cocaine disparity.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 05/12/2005 shall remain in effect.

IT IS SO ORDERED.

Order Date: 07/16/2008Effective Date: _____
(if different from order date)


Judge's signature

Garr M. King, United States District Judge
Printed name and title

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